

**REMARKS**

Applicant submits this Amendment in response to the Office Action mailed on July 21, 2009.

In the Office Action, the Examiner rejected claims 91-97 under 35 U.S.C. § 102(b) as allegedly being anticipated by *The Annals of Thoracic Surgery*, Vol. 46, No. 3, Sept. 1998 by Alonso-Lej. The Examiner also allowed claims 60-62, 64, 66-68, and 83-90.

By this Amendment, Applicant cancels claims 91-97 without prejudice or disclaimer solely in the interests of expediting the prosecution of this application. Applicant reserves the right to present the subject matter of the cancelled claims at a later date. Claims 60-62, 64, 66-68, and 83-90 are currently pending in this application. Of these claims, claims 83, 85, and 87 are independent.

Applicant respectfully traverses the Section 102(b) rejection of claims 91-97 over Alonso-Lej. However, the cancellation of claims 91-97 renders the rejection of those claims moot.

Applicant therefore submits that this application is now in condition for allowance since only allowed claims 60-62, 64, 66-68, and 83-90 are currently pending.

Should the Examiner wish to discuss this Amendment, or have any questions or concerns, he is invited to telephone the undersigned at (202) 408-4221.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to

an exemplary embodiment described in the specification, abstract, and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 20, 2009

By:   
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